

REMARKS

Attorney for applicant has carefully reviewed the outstanding Office Action on the above-referenced application. Applicant has amended Claims 1 and 3, and has added new Claim 12.

The March 26th Office Action has been made final. In such circumstances, a Request for Continued Examination ("RCE") is enclosed herewith to expedite prosecution of the present application.

Claims 1 and 3 have been objected to by the Examiner. In response thereto, Claims 1 and 3 have been amended to address the objections.

The Examiner has rejected Claim 3 under 35 U.S.C. § 112, second paragraph, as being indefinite. With the entry of this Amendment, Claim 1 has been amended to include a transverse rod. Thus, the transverse rod recited in Claim 3 is claimed.

Claims 1-5 have been rejected under 35 U.S.C. 103(a) as being unpatentable over Mayer U.S. Patent No. 3,322,288 in view of Fenwick U.S. Patent No. 3,664,511. Applicant respectfully traverses this rejection for the following reasons.

The present invention, as recited in amended independent Claim 1, relates to a device for detachably holding a transverse rod supported by at least two supporting arms. The device includes an adaptor (5) having a basic body (50) and an arcuate cutout (51) with a through-passage direction (R) situated transversely to the supporting arm (3,3) and axially to the secured transverse rod (7). The adaptor also includes upwardly extending prongs (54) and a pair of lugs (52) continuing at each of the free, upper ends of

the prongs (54), the lugs being directed toward one another and into the cutout (51). The device also includes an insert (6) having a half-shell shape in principle and includes two upper ends (60,61) projecting into the room and leaving between the two upper ends (60, 61) the opening. The insert also includes a curved inner face (63) and a curved outer face (64), **a groove (65) extending circularly on the outer face (64), terminating adjacent to the upper ends (60,61)** and sized and shaped so as to partially receive the adaptor (5), and an aperture (62) present at each of the terminations of the groove (65) and sized and shaped so as to engage the lugs (52). As a result of applicant's novel arrangement, a transverse rod can be secured against rotation in view of the lugs.

It is respectfully submitted that the Mayer patent and the Fenwick patent, whether considered individually or in combination with each other, do not anticipate or make obvious the present invention as recited in amended independent Claim 1. For instance, the Mayer patent discloses a clothing display rack assembly, which includes adaptor units 6a, 6b, 6c with neck portions 28 (which the Examiner equates to as the adaptor of the present invention) and hangrod receiving members 40a, 40b, 40c (which the Examiner equates to as the insert of the present invention). The Examiner concedes that the Mayer patent fails to disclose the adaptor recited in Claim 1.

Notwithstanding the foregoing distinction, Claim 1 has been amended in an effort to further distinguish the device recited therein from the rack assembly of the Mayer patent. More particularly, Claim 1 has been amended to clarify that the insert (6) includes two upper ends (60,61) and that the groove (65) terminates adjacent to the upper ends (60, 61). The groove (65) cooperates with the cutout (51) of the adaptor so as to partially receive the adaptor (5). In contrast, each of the hangrod receiving members 40a, 40b,

40c includes a countersunk opening 42 opposite a recess 36 formed in the neck portions 28. The countersunk opening 42 does **not** terminate adjacent to the upper ends of the hangrod receiving members 40a, 40b, 40c. Rather, the countersunk opening 42 is formed only in a bottom portion of the hangrod receiving members 40a, 40b, 40c. Because the hangrod receiving members 40a, 40b, 40c are anchored to the bases of the associated adaptor units (neck portions) 28 by rivets 45, it would be superfluous to modify the opening 42 of the Mayer patent so as to extend adjacent to the upper ends of the hangrod receiving members 40a, 40b, 40c. Also, the hangrod receiving members 40a, 40b, 40c have a much larger length than the associated adaptor units (neck portions) 28. Thus, an opening formed in the hangrod receiving members 40a, 40b, 40c that extends beyond the length of the associated adaptor units 28 would serve no practical purpose. In other words, any portion of the opening formed beyond the length of the associated adaptor units 28 would not be received by the associated adaptor units.

With respect to the Fenwick patent, it discloses a hangrod assembly with ridges 30, 31. The Fenwick patent does **not** disclose the specific components of the insert of the present invention, as recited in amended Claim 1 (i.e., the groove (65), first and second apertures (62), etc.). In addition, unlike the present invention, the hangrod member (35) has a longitudinally extending slot and provided with two grooves. Therefore such an assembly has considerable disadvantages. For example, because of the limited thickness of the hangrod member, only a small load can be tolerated. To produce such a tubular split hangrod with a pair of longitudinally grooves is more expensive than a simple bar with a round diameter with a smooth surface, i.e. without any slots or grooves. The grooves of the hangrod must be aligned with the extending ridges of the adaptor. In case a more

stable hangrod is used for carrying a larger load than a considerable force to press the hangrod into the adaptor is needed. Accordingly, the Fenwick patent does not disclose or suggest the device recited in amended Claim 1.

In view of the foregoing circumstances, even if it were obvious to combine the rack assembly of the Mayer patent with the hangrod assembly of the Fenwick patent, the resulting combination would not result in the present invention, since it would still lack an insert having **a groove (65) extending circularly on the outer face (64), terminating adjacent to the upper ends (60,61)** and sized and shaped so as to partially receive the adaptor (5), as recited in amended Claim 1. Accordingly, applicant's attorney respectfully requests that the Examiner withdraw her rejection based upon the Mayer and Fenwick patents.

In the foregoing circumstances, it is respectfully submitted that amended Claim 1 is in condition for allowance. Because Claims 2-5 and new Claim 12 depend from amended Claim 1, they are also believed to be in condition for allowance.

In view of the foregoing amendments and remarks, applicant's attorney respectfully requests reexamination and allowance of pending Claims 1-5, and examination and allowance of new Claim 12. If such action cannot be taken, the Examiner is cordially invited to place a telephone call to applicant's attorney in order that any outstanding issue may be resolved without the issuance of a further Office Action.

Appln. No. 10/559,805
Amendment dated September 26, 2007
Reply to Office Action mailed March 26, 2007

Enclosed is a Petition for a three-month extension of time to and including September 26, 2007. Also enclosed is a Request for Continued Examination Transmittal Form which authorizes payment of the RCE filing fee. If there are any additional fees due as a result of this Amendment, including extension and petition fees, the Examiner is authorized to charge them to Deposit Account No. 503571.

Respectfully submitted,

McCARTER & ENGLISH, LLP



By: Sanjiv M. Chokshi
Reg. No. 44,080

Four Gateway Center
100 Mulberry Street
Newark, New Jersey 07102
(973) 622-4444, Ext. 5368